

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff

v.

(1) MIGUEL ANGEL OCHOA,
Defendant

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No. 1:22-CR-00216-LY

ORDER

Before the Court is the U.S. Pretrial Services Office's Petition for Action on Conditions of Pretrial Release, Dkt. 108. The undersigned set a hearing on the petition to be held in accordance with 18 U.S.C. § 3148, Dkt. 112, and held the hearing on March 21, 2023, Dkt. 116.

Defendant Miguel Angel Ochoa faces a criminal indictment charging him with Conspiracy to Possess with Intent to Distribute Cocaine, Conspiracy to Possess with Intent to Distribute Methamphetamine, Possession of a Firearm in Furtherance of a Drug Trafficking Crime, and Possession of a Firearm in Furtherance of a Drug Trafficking Crime. Dkt. 1. Ochoa was arrested and released on conditions on October 7, 2022. Dkts. 15, 45. Ochoa's docket call is set for May 22, 2023, and his trial is set to begin on June 12, 2023. Dkt. 110.

The petition, filed February 27, 2023, alleges Ochoa violated condition 7(m) of his conditions release, that he "[n]ot use or unlawfully possess a narcotic drug or other controlled substance defined in 21 U.S.C § 802 unless prescribed by a licensed medical practitioner." Dkt. 108. The petition goes on to state that Ochoa violated this

condition when he tested positive for cocaine use urine specimens provided on January 11, 2023, and January 30, 2023. Dkt. 108. These samples were subsequently lab-confirmed. Dkt. 117. At the time of these positive tests, Ochoa was participating in outpatient treatment services for mental health and substance abuse. Dkt. 108. When confronted by Pretrial Services about these positive results, he denied using and indicated he is not in need of treatment.

After considering the petition, the arguments and evidence offered at the hearing on the petition, and the relevant entries on the docket, the undersigned concludes that Ochoa's pretrial supervision should not be revoked at this time. Instead, the Court finds that Ochoa would benefit from more intensive in-patient treatment to address his substance-abuse issues.

Accordingly, the Court **DENIES** U.S. Pretrial Services Office's Petition for Action on Conditions of Pretrial Release, Dkt. 108.

The Court **ORDERS** that Ochoa remain **DETAINED** until such time that he can be **RELEASED** directly to a program of inpatient substance abuse therapy and counseling as directed by U.S. Pretrial Services. Ochoa remains subject to all conditions in the Order Setting Conditions of Release, Dkt. 45.

DIRECTIONS REGARDING DETENTION

Defendant is remanded to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity

for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED March 22, 2023.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE